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**A**N ACT TO PROVIDE FOR THE  
FORMATION AND GOVERNMENT OF  
TOWNS, APPROVED APRIL 24, 1888, AS  
AMENDED. BEING THE PROPOSED NEW  
CHARTER FOR THE TOWNSHIP OF  
BLOOMFIELD.

AN ACT

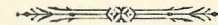
TO PROVIDE FOR THE

# Formation and Government

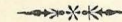
—OF—

# TOWNS

APPROVED APRIL 24, 1888, AS AMENDED.



BEING THE PROPOSED NEW CHARTER FOR THE  
TOWNSHIP OF BLOOMFIELD.



BLOOMFIELD, N. J.,  
William A. Ritscher, Printer, 314 & 316 Glenwood Avenue,  
1895



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**A**N ACT TO PROVIDE FOR THE  
FORMATION AND GOVERNMENT OF  
TOWNS, APPROVED APRIL 24, 1888, AS  
AMENDED. BEING THE PROPOSED NEW  
CHARTER FOR THE TOWNSHIP OF  
BLOOMFIELD.

AN ACT PROVIDING FOR THE FORMATION AND  
GOVERNMENT OF TOWNS.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the inhabitants of any town or borough, or of any township having a special charter, or of any township which has or hereafter may have a population exceeding five thousand inhabitants, may become a body politic and corporate in fact and in law by the name and title of "the town of (specifying the name borne by such town, borough or township), in the county of (specifying the county in which the same is situated)," whenever at any special election called for that purpose, or at any town or charter meeting or election, at which the question of incorporating under this act is submitted, as hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election.

Inhabitants of town, borough or township may be incorporated into a town.

When decided at special election.

2. And be it enacted, That the council, township committee or other governing body of any such town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, etc., upon petition, may pass an ordinance for the holding of a special election in such town, borough or township for the purpose of deciding whether such town, borough or township shall become incorporated as a town under the provisions of this act, which ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided, however*, that instead of providing for a special election such ordinance may provide for submitting the question of incorporating as a town under this act to the voters of such town, borough or township at the town or charter meeting or election to be held next thereafter.

Governing body of town, etc., upon petition, may pass ordinance for holding election

Proviso.

3. And be it enacted, That if a special election be called, notice of the same shall be given by advertisement published in the official newspaper or newspapers (if any) of such town, borough or township, and if there be none, in at least two newspapers published in the county, and circulating in such town, borough or township, at least once in each week for two weeks, successively, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days next preceding the time appointed for such special election, which advertisements and notices shall specify and set forth the time, place or places and the object and purpose of holding such special election; and

Notice of election, how given.



in case said ordinance provides for submitting the question of incorporating as a town under this act at a town or charter meeting or election, notice thereof shall be given by advertisement published in the official newspaper or newspapers of such town, borough or township (if any), and if there be none, in two newspapers published in the county, and circulating in such town, borough or township, for two weeks successively, next preceding the day appointed by law for holding such election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a town under the provisions of this act will be submitted at the next ensuing town or charter meeting or election.

How election conducted.

4. And be it enacted, That any special election held under the provisions of this act shall be by ballot and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at town or local elections held in such town, borough or township; the ballots shall contain the words "for incorporation as a town under the act entitled 'an act providing for the formation and government of towns,' or 'against incorporation as a town under the act entitled 'an act providing for the formation and government of towns;'" and in case the question of incorporation as a town under this act shall be submitted at a town or charter meeting or election, the words "for incorporation as a town under the act entitled 'an act providing for the formation and government of towns,'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same, if not marked off or defaced the ballot shall be counted as a vote in favor thereof; if a majority of the votes so cast at any special town or charter meeting or election shall be in favor of incorporation as a town under this act, then within three days after the result of the election shall have been declared, a certificate of the result of such election signed by the chairman of the council, committee or governing body of such town, borough or township, and attested by the clerk thereof, together with certified copies of the petition, ordinance and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same such town, borough or township, shall be and it is hereby declared to be a body politic and corporate in fact and in law by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common

If majority of voters in favor of incorporation, certificate of result, etc., to be filed with secretary of state.

seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the town.

5. And be it enacted, That it shall be the duty of the council, township committee or other governing body of such town, borough or township, which shall have voted as aforesaid for incorporating as a town under this act, excepting, however, such as may then be divided into wards, to divide (by ordinance) such town (formed and incorporated as aforesaid) into not less than three wards; each ward shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual town election held under this act. *Proviso.*

Governing body to divide town into wards

6. And be it enacted, That the officers of any town, borough or township which has voted as aforesaid for incorporation as a town under this act who shall hold office at, or whose terms of office may commence after the time of filing the aforesaid certificate with the secretary of state, shall, except as hereinafter provided, continue to hold their respective offices until the first day of May next succeeding the first annual town election held under this act and until their successors in office shall be elected or appointed, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless within five days after this act becomes operative in such town he shall in writing notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such town, and the council may require such officer to furnish new or additional sureties in place of those withdrawing as aforesaid, and if he fails or neglect so to do the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for filling vacancies; *provided, however*, that in case any town, borough or township adopting this act shall have been previously divided into wards the members of the council, committee or governing body thereof shall respectively continue in office and serve out the terms for which they were elected, representing therein the wards in which they shall respectively reside, and no member of the council shall be elected from any ward until its representation therein shall have been reduced to less than two members. *Proviso.*

Officers of town, etc., to continue in office until certain time.

Subject to provisions of act. Sureties not discharged, etc.

7. And be it enacted, That the council or governing body of the town may fill by appointment all such offices herein provided for which did not exist in the town, borough or township of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first

Governing body may fill offices.

Term of office of appointees.



town election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

8. And be it enacted, That any town which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the town, borough or township of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such town, borough or township.

9. And be it enacted, That the town and ward officers of the town shall be a town council, consisting of two councilmen from each ward and one councilman at large, a town clerk, a town collector, a town treasurer, a town attorney, an assessor, a recorder, a board of commissioners of appeal, consisting of one member from each ward, an overseer of the poor, one or more town surveyors, one or more poundkeepers, a board of education, consisting of three members from each ward, three commissioners of assessment, a chief of police and a chief engineer of the fire department, three constables in each ward and such number of justices of the peace as the town may be entitled to under the constitution and laws of this state, and for the purpose of electing justices of the peace, each town shall be considered a township, and in counties in which chosen freeholders are elected by townships and wards each ward of the town shall elect one chosen freeholder.

Justices of the peace.  
Chosen freeholders.  
How officers elected.

10. And be it enacted, That the councilmen from each ward and the councilman at large, town clerk, town collector, assessor, constables and members of the board of education shall be elected at an annual town election; the town treasurer, town attorney, recorder, commissioners of appeal, overseer of the poor, chief of police, town surveyors, and the commissioners of assessment and poundkeepers shall be appointed by the council in the manner and for the terms hereinafter provided; the chief of the fire department shall be elected in the manner and for the term hereinafter provided by the active members of the fire department.

Annual town election, when held.

Place.  
Manner.  
Notice.

11. And be it enacted, That the annual town election shall be held on the second Tuesday in April in each year, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council, in the same manner and under the same regulations in all things as is prescribed by law for election of members of the general assembly of this state: notice of the time and place or places of such election and of the officers to be chosen shall be given by the town clerk at least two weeks before the day of election, by publication in the official newspapers of the town, and if there be none, by publication in at least one newspaper published in the county in which the town is situated and generally circulating in the town; no person shall be permitted to vote at any such election

What persons may vote.

unless he is an actual resident of the election district in which he offers his vote; immediately after the polls shall be closed at any such election the election officers of each election district shall count the votes given for the several candidates, and certify under their hands the number given for each, and publicly announce the same; and within twenty-four hours thereafter they shall immediately deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of town canvassers, and one to the town clerk and one to the county clerk to be by them filed in their respective offices.

12. And be it enacted, That the person or persons receiving the greatest number of votes of those given in the town for any town office and of those given in each ward respectively, for any office in or from the ward, shall be declared to be elected.

What persons to be declared elected.

13. And be it enacted, That the board of town canvassers shall consist of one judge or inspector of election from each election district in the town, who shall be appointed for that purpose by the other election officers (excluding the clerk) of such district, a majority of the board shall constitute a quorum, and the town clerk shall be clerk of said board; the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the town hall, and shall choose one of their number to be chairman thereof; if the town clerk shall fail to attend, the board may appoint one of their own number to be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered to them as aforesaid, and lay the same before the board, and from such statement the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; *provided, however*, that if for any reason, any member of such board shall fail to produce such statement, that then, on the request of the board, the town clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

When to meet, etc.

Proviso.

14. And be it enacted, That the said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said town and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare what person or persons have received the greatest number of votes for each of the officers mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the town clerk and be by him recorded in a book to be kept for that purpose, and within two days after such canvass of the votes, the town clerk shall deliver

Board to make written statement and determination.

Certified and filed.

Town clerk to deliver certi-



cate to persons to every person elected to any town or ward office a certificate  
elected. thereof, under the seal of the town.

How office filled 15. And be it enacted, That if at any such election there shall  
when two or be a failure to fill any office, except that of councilman or member  
more persons of the board of education, by reason of two or more persons hav-  
receive equal ing received an equal number of votes therefor, the town council  
number of votes. then in office shall by ballot elect one of the persons so receiving  
an equal number of votes to fill such office until the next town  
election, when the unexpired portion of the term (if any) shall be  
filled by the electors of the town; and if there shall be a failure for  
like cause to fill the office of councilman or member of the board of  
education, a new election for such officer or officers shall be imme-  
diately ordered by the town council.

Election of members of council and board of educa- 16. And be it enacted, That except as herein otherwise provid-  
tion. ed, at the first town election held under this act one member of  
the council from each ward shall be elected for one year, and one  
member for two years; and one member of the board of education  
shall be elected for one year, and one member for two years, and  
one member for three years; and the electors voting at such elec-  
tion shall designate on their ballots and terms for which the sev-  
eral candidates for said offices shall be elected; and thereafter an-  
nually a member of the council shall be chosen from each ward for  
two years, and a member of the board of education for three years.

What persons 17. And be it enacted, That no person shall be eligible to any  
eligible to of- office under this act unless he shall have resided in the town for the  
fice. period of least one year, and no person shall be eligible to any  
ward office unless he shall be an actual resident of the ward; and  
no person shall be eligible to any office unless he is a citizen of the  
United States; *provided, however*, that the town attorney and the  
town surveyors need not be residents of the town; and when any  
person except town attorney and town surveyors; elected or ap-  
pointed to any town or ward office shall remove from the town or  
ward his office shall thereby become vacant.

Proviso.

Lawful for 18. And be it enacted, That in case a vacancy occurs by reason  
counties to fill of the death, resignation, inability disqualification, removal or re-  
vacancies occur- fusals to serve of or, by any town or ward officer, elected as afore-  
ring by death, said, it shall be lawful for the town council to fill such vacancy by  
etc. the appointment of a suitable and qualified elector to hold until his  
successor shall have been duly elected and qualified, and the unex-  
pired portion of the term (if any remain) shall be filled at the town  
election to be held next after such appointment; *provided, how-  
ever*, that in case any such vacancy shall occur in the board of  
education, said board of education may fill such vacancy by ap-  
pointment until the next town election, when the vacancy shall  
be filled by the electors of the town; *provided*, that if at any town  
election there shall be a vacancy in any office to be filled and at  
the same time an election for a full term of such office, the term

Proviso.

Proviso.

for which each person shall be voted for shall be designated on  
each ballot cast therefor.

19. And be it enacted, That in case any such vacancy as afore- May fill vacan-  
said shall occur in any office which is filled by appointment or elec- cy in office fill-  
tion by the town council, the said town council shall have power to ed by appoint-  
fill such vacancy by the appointment of a suitable person to hold ment.  
for the unexpired portion of the term of such office.

20. And be it enacted, That every person elected or appointed Persons elected  
under this act to any office, shall, within ten days after such or appointed to  
election or appointment, take and subscribe before an officer take oath.  
qualified to administer oaths, an oath or affirmation, faithfully  
and impartially to execute the duties of his office according to the  
best of his ability and understanding, which oath or affirmation  
shall be filed in the town clerk's office, and if any person so elected  
or appointed shall fail so to qualify, then his office shall be deemed  
vacant, and may be filled in a manner hereinbefore provided.

21. And be it enacted, That the town clerk, town treasurer, Officers to give  
town collector and such other officers as the town council may bond.  
require, before they enter on the duties of their office and  
within such time as the board of council may by ordinance  
prescribe, shall give bonds to the town in its corporate name in  
such sums and with such sureties as the board of council shall  
require and approve for the faithful performance of their duties,  
which bonds, when so given, shall bind the obligors therein  
named until the successors to the officers giving the same shall be  
actually inducted into office, and if any officer shall fail or neglect  
to give bonds in the sum or with the sureties or within the time  
required by such ordinance, the council may declare such office  
vacant, and such vacancy shall be filled in the manner herein-  
before provided.

22. And be it enacted, That the official terms of the several When official  
officers who shall be elected under this act shall commence on the terms to com-  
first day of May next succeeding their election; and the term of mence.  
any officer who shall be appointed by virtue of this act shall com-  
mence on the first day of June next succeeding his appointment,  
except in cases otherwise provided for in this act, and every officer  
shall hold his office during his official term and until his successor Term of office.  
shall have been duly elected or appointed and shall have duly  
qualified.

23. And be it enacted, That it shall be the duty of every officer Officer to deliv-  
in said town within ten days after the expiration of his term of er books, etc,  
office or his removal therefrom, to deliver to his successor in office, to successor.  
or to such person as the town council may appoint, all books,  
records, papers, vouchers and property of every kind in his posses-  
sion or under his control, belonging to said town or appertaining  
to such office.



No officer to hold other office 24. And be it enacted, That no officer of the town elected or appointed under this act, shall hold any other office of profit or trust under this act, and any such officer who shall except any other office under this act, shall be deemed to thereby vacate the office to which he was first elected or appointed.

Salaries of officers.

Fees to be paid to treasurer.

Officers, how governed and removed.

Town clerk, term of office and duties.

25. And be it enacted, That the salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the assessor, the chief of police, the overseer of the poor, the town surveyors, poundkeepers, commissioners of appeal, members of the town council and commissioners of assessment shall be fixed by ordinance of the town council, and no other town or ward officer other than those last herein above specified excepting the clerk of the board of education, shall receive any salary, fees or compensation whatsoever from the town for his services; and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act or by any ordinance or resolution of the town council, shall immediately after the receipt thereof, be paid by such officer to the town treasurer for the use of the town unless herein otherwise specially provided.

26. And be it enacted, That all the officers of the town shall be governed by such general ordinances as the town council may from time to time adopt, not inconsistent with the provisions of this act and the laws of this state, and every officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to any member or officer of the board of education.

27. And be it enacted, That the town clerk shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the town, except when the town council shall otherwise direct; he shall keep a record of the proceedings of the council, he shall engross all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of the council and said clerk; copies of all papers duly filed in the office of the town clerk and transcripts thereof and of the records and proceedings of the board of council and copies of the ordinances of said town, certified by the said clerk under the corporate seal of the town, shall be evidence in all courts and places; the town clerk shall pay over to the town treasurer, without delay, all moneys received by or paid to him for the use of the town, his office shall be at the town hall,

and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and receive for his own use, at the rate of ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

28. And be it enacted, That the town collector shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the town, whether for taxes, assessments, arrears of taxes or otherwise; the town council shall provide him with an office at the town hall, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter, in suitable books to be provided for that purpose, by the council, and sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose accounts the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any payment is for interest or penalties, the amount thereof shall be separately stated; he shall at least once each week pay over all moneys collected by him for the town to the town treasurer and shall take his receipt therefor; he shall furnish the council at least once in each week, and oftener if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe, he shall make a full report annually on the first day of April to the council of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examination and audit all books, papers and vouchers appertaining to his office.

29. And be it enacted, That the town treasurer shall hold office for two years; he shall receive safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the town; he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the chairman of the council and attested by the town clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him from the town collector and moneys paid into the town treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a stated meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter

Town collector, term of office and duties.

Town treasurer, term of office and duties, &c.



Proviso.

Treasurer to receive and disburse moneys raised for school purposes.

Treasurer to furnish statement of moneys received and expended.  
Annual report.

Recorder, term of office, jurisdiction and powers.

into the margin of a book to be called "warrant book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which ordered and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however*, that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

30. And be it enacted, That the town treasurer shall receive safely keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof and pay the same out only on warrant signed by the chairman and clerk of the board of education, and no warrant for any such purpose shall be drawn on the treasurer except in pursuance of an order or resolution passed at a stated meeting and entered in their minutes, and the provisions of the last preceding section of this act relative to warrants on the treasurer by the town council shall apply to the warrants of the board of education; and the said treasurer shall do and perform all acts and duties enjoined upon township collectors by the school laws of the state.

31. And be it enacted, That the treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before the council, for examination and audit, all books, papers, and vouchers appertaining to his office.

32. And be it enacted, That the recorder shall hold office for two years, and shall have jurisdiction and is hereby empowered, on oath or affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the town, to issue process either in the nature of a summons or warrant as to him may seem most advisable against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three or more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall, proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading and the recorder shall, if judgment be rendered for the

plaintiffs forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict fines not exceeding the sum of twenty dollars on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or work house for any period not exceeding thirty days; *provided*, that in all cases when the fine or penalty shall exceed ten dollars or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the town, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station house or other place provided for him by the town council, at such hours every day as the council shall designate; and the recorder shall have the same powers in criminal matters within the territorial limits of the town as are possessed and exercised by justices of the peace of this state.

33. And be it enacted, That any member of the council during his term of office and any policeman of said town, shall have the power, on witnessing any breach of the peace or any violation of a town ordinance, to forthwith arrest and take into custody, without warrant the offender or offenders, and to take said offender or offenders before the recorder of the town for a hearing.

34. And be it enacted, That every conviction for violating a town ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for a trial of small causes, and in case the judgment appealed from shall be imprisonment the said recorder or any judge of the court of common pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

35. And be it enacted, That the officers empowered to serve process issue by the recorder shall be, besides the constables elected or appointed within the town, the policemen of the town, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made and so orders, enter into recognizance, as near as may be, in the manner directed in the courts for the trial of small

Proviso.

Members of council and policemen empowered to make arrests.

Convictions before recorder, how reviewed.

Process, by whom issued and how returned.

If hearing adjourned, defendant to enter into recognizance.



causes, in the amount of the penalty named in the process or in any proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the town, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Councilman at large, assessor and overseer of the poor.

36. And be it enacted, That the councilman-at-large, assessor and overseer of the poor shall each hold office for the term of two years, and the said assessor and overseer shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the town.

Town attorney.

37. And be it enacted, That the town attorney shall be appointed by the council; he shall hold his office for the term of one year, and shall perform such duties as the council shall by ordinance prescribe.

Town surveyors.

38. And be it enacted, That the town surveyors shall be designated from time to time by the council, and they shall give bonds in such penalty and upon such condition, and shall receive such compensation for the service they may render as the council shall by ordinance prescribe.

Pound-keepers.

39. And be it enacted, That the pound-keepers shall be appointed by the council, and shall hold their office for such term, and shall perform such duties in addition to the duties imposed upon them by any law of this state, as the council may by ordinance prescribe.

Commissioners of appeal.

40. And be it enacted, That the board of commissioners of appeals shall hold office for three years, and shall be appointed by the council; they shall perform such duties as are now or hereafter may by law be enjoined upon commissioners of appeal in cases of taxation; they shall receive such per diem compensation for their services as the council shall by ordinance prescribe, and it shall be lawful for the council to limit the number of sessions for which they may be paid, and the first appointments made under this section shall be for one, two and three years respectively and thereafter one commissioner shall be annually appointed.

Chief of fire department.

41. And be it enacted, That the chief of the fire department shall be elected annually on the first Monday in May of each year, and shall hold his office for one year from the first day of June next ensuing his election, the active firemen of the department shall alone be qualified to vote at such election; the election shall be held and conducted under such rules and regulations as the council shall by ordinance prescribe.

42. And be it enacted, That the town council shall meet annually for organization on the first day of May unless that day should happen to be Sunday, in which case they shall meet on the day preceding; the councilman-at-large shall be the chairman and shall preside at all meetings of the council; in his absence the council may elect one of their number as chairman for the time being; they shall appoint the times of meeting, determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and objects of the corporation and necessary and proper for carrying out the provisions of this act.

43. And be it enacted, That the council shall, on the first day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the town, and that it shall be the duty of the town clerk to distribute such printed statements among the people of the town or to furnish a copy of such statement to every citizen applying for the same.

44. And be it enacted, That a majority of the council shall be a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day; the council shall hold stated meetings at least twice in each month at the town hall, at such times as they may appoint, but the chairman or any two councilmen may call special meetings by written notice to each of the members, served personally or left at his usual place of abode at least twenty-four hours previous to the time appointed for such meeting, but no business other than that specified in the call shall be transacted at such special meeting, and no business by this act required to be done at a stated meeting of the council shall be done or performed at any such special meeting.

45. And be it enacted, That all contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and no member of the council shall become security for any public officer elected or appointed under this act.

46. And be it enacted, That no ordinance or by-law shall be passed by the town council, unless the same shall have been introduced at a previous stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in the official newspapers of the town, and if there be none, in at least one newspaper published in the county and circulating in the town; *provided, however*, that no ordinance for opening, grading, flagging, curbing, paving or macadamizing any street, avenue or public place, or for the construction of any sewer, or for any street



improvement, shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council.

Council may  
pass ordinances  
for certain pur-  
poses.

47. And be it enacted, That the council may, by the title, "the council of the town of \_\_\_\_\_, in the county of \_\_\_\_\_," pass, adopt, alter, modify and repeal ordinances to take effect within the town for the following purposes.

To manage, regulate, protect and control the finances and property of the town; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements, to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town, to regulate, clean and keep in repair the streets, highways, lanes and alleys in the town, and to prevent and remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes and alleys, sewers; drains and water-courses, to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley or in digging up any street, highway or alley for the purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places of the town, and to authorize or prohibit the removal or destruction of such shade trees, to name and number the streets, houses and lots in the town; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets, by the owners of land fronting thereon, and to provide that in case of neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles, railways and engines of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the town: to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places of the town, and for the impounding, sale, or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of the streets of the town; to prevent and prohibit any practice having a tendency to frighten animals or persons passing in the streets of the town; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to

restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; (to regulate) to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fee to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the town; (to) buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning fluid, nitroglycerine, dynamite or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to erect, provide, repair and control a town hall, police and station-houses; fire engines and such other buildings as may be necessary; to regulate, license or prohibit inns, taverns and restaurants, and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no such license shall be granted to any person who is not a citizen of the United States; and to fix and prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to provide for the revoking and annulling of licenses for violations of such conditions; *provided, however*, that all such conditions shall be printed on the license; and *provided*, further, that no license shall be granted unless the applicant shall first pay to the town clerk such license fee as may be required by any general law of this state, and if there be no general law, such fee, not less than fifty dollars, as may be fixed by ordinance, and if the application is rejected, the deposit shall be returned; to provide that the penalty for a second conviction within six months of a violation of any such ordinance shall be a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate

Proviso.  
Proviso.  
Proviso.



peddlers, hawkers and hucksters, and to require the payment of a license fee of not exceeding five dollars in all cases, except as herein otherwise provided; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding twenty dollars, and in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from military duty in time of peace, and from serving as jurors in courts, for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing members of the fire department; to provide for the government of the fire department and the care and repairs of the engines and other fire apparatus, and for the purchasing of necessary supplies by a board of fire commissioners consisting of five members, to be appointed by the council, who shall hold office for one year, and who shall receive no salary; and to further provide for the payment of the lawful debts contracted or incurred by such commissioners.

To regulate use of streets by street railway companies.

Penalty.

When boundary line of town is a street or road, to regulate use of same.

Penalty.

To provide for police force.

48. And be it enacted, That the council shall have power by ordinance to regulate the use of the streets of the town by street railway companies; to require such companies to lay and confine their tracks according to such grades of the street as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and compel the removal of the same from the streets; and to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

49. And be it enacted, That in case the boundary line between any town formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such town, it shall be lawful for the council of such town to pass ordinances regulating the use of such street or road by the owners or occupants or property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such town to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality.

50. And be it enacted, That the council shall have power by

ordinance to provide for, establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal; their duties and compensation; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every eight hundred inhabitants; and *provided*, further, that no policeman or police officer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve. *Proviso.*

51. And be it enacted, That the council shall have full power to enact and pass such and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the town as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States. *Empowered to pass other ordinances.*

52. And be it enacted, That the council shall have power to pass ordinances appropriating and providing for raising by taxation money for the following purposes: *Empowered to pass ordinances for raising money by taxation for certain purposes.*

I. For lighting the streets of the town.

II. For the support of the police department.

III. For the maintenance of the fire department.

IV. For regulating, cleaning, and keeping in repair streets and highways.

V. For repairs to public buildings.

VI. For the relief of the poor.

VII. For water for the extinguishment of fires.

VIII. For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable.

IX. For the sinking fund required to be raised.

X. For the general and incidental expenses of the town including the printing and publication of minutes of council, ordinances and such other matters required by law to be published.

XI. For the support of public schools; and no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election.

53. And be it enacted, That the council shall have power to provide for the lighting of the streets, avenues, and public places of the town, in such places as they in their judgment may deem necessary. *Lighting of streets.*

54. And be it enacted, That the council shall have power to provide for a supply of pure and wholesome water to the inhabitants; and for extinguishing fires; by contract, either with private corporations or with adjoining municipalities owning or controlling water works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the town. *Supply of water.*



- Official newspaper. 55. And be it enacted, That the council shall have power to designate an official newspaper in which all advertisements and notices required by law to be published shall be published.
- May borrow money in anticipation of revenues. 56. And be it enacted, That the council shall have power to borrow money temporarily in the name of the town in anticipation of appropriated revenues, not exceeding in amount one-half of such anticipated revenues.
- Special election to fill vacancy. 57. And be it enacted, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.
- May require owners to keep flagging, etc., in good repair. 58. And be it enacted, That the council may require the owners or occupants of any parcel of land fronting on any improved street to keep the flagging, curbs and gutters in front of such land in good repair, and if in any case, after reasonable notice, such repairs be not done by such owner or occupant, the council may have the same done, and the expense thereof, with interest and costs, may be recovered by the council by suit in the name of the town against such owner as for so much money due for labor performed and material furnished by said town for such owner or occupant, at his request, or may be assessed as a tax on such lot, and shall be a lien thereon, and be collected as other taxes are collected.
- Commissioners of assessment. 59. And be it enacted, That the town council shall appoint three discreet persons, residents and freeholders of the town, to be commissioners of assessment, and who shall hold their offices for three years; the said commissioners shall make all assessments for improvements of every kind under this act; *provided*, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment in lieu of the commissioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessments shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding; which oath or affirmation the clerk of said town is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years.
- Proviso.
- Council empowered. 60. And be it enacted. That the council shall have power and they are hereby authorized by ordinance—
- To lay out streets. To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and

appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided;

To provide for grading and altering the grade of streets and avenues in the town, and filling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same; To provide for grading, macadamizing, &c.

To make and adopt a general plan of sewerage and drainage for such town or any section thereof, and conformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be made; Adopt plan of sewers and drains. Proviso.

To provide for the building and constructing of public sewers and drains, and for taking land and real estate for building the same and for acquiring an outlet for sewers over and through lands in adjoining municipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained; *provided, however*, that no ordinance for any of such purposes shall be passed except in the manner hereinafter stated and unless it shall receive the votes of two-thirds of the members of the council; and *provided*, further, that any such ordinance may be introduced and passed at the same stated meeting of the council. Proviso.

61. And be it enacted, That streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner and not otherwise: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; if the council shall favor the petition the same shall be referred to the commissioners of assessment and a town surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property, which in the judgment of said commissioners, will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, as far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale How streets to be laid out or boundaries changed.



of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be especially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determination and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the town; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in the official newspaper of the town, or if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement; the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly; a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; *provided*, the said council shall not proceed to make any such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the town; *provided*, that where the commissioners shall have reported the name or estates of the the owners of any plot as

Proviso.

Proviso.

unknown, the said resolutions shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

62. And be it enacted, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also canceled.

63. And be it enacted, That whenever any person who shall have presented objections as aforesaid, to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action of contract against the said town in the circuit court of the county, or in the supreme court of this state (*provided*), that the trial shall be had in the county in which such town is located), which action shall proceed in all things as if such town had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided*, always, that no such action shall be brought by any person who may have received

Persons dissatisfied with determination may bring action against town.

Proviso.

Proviso



Proviso.

How streets  
graded, macada-  
mized, &c.

Proviso.

payment of the amount awarded, nor unless notice that such action will be brought, be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation; *provided*, further, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

64. And be it enacted, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered, or otherwise improved, as hereinbefore provided in the following manner, viz.: on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street proposed to be improved, the council shall, by resolution, direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in the official paper of the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him, and designating the time and place when and where the town council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in said notice; *provided, however*, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of a majority of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of twenty dollars before receiving any petition; and in case the owners of a majority of the lands fronting on the proposed improvements have not objected thereto, the council may, in its discretion, determine not to make such improvement, in which case the deposits made by the petitioner or

petitioners shall be returned to him or them; and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice for objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement, the town clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement, in the official paper of the town and in such other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however*, that the council may reject all bids if they deem it for the interest of the town so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof.

65. And be it enacted, That sewers may be built and constructed in any of the streets of the town under the control of the town authorities on the petition of owners of one-sixth of the lands adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

66. And be it enacted, That the council may appoint an inspector over the work and materials on any sewer or street improvement and may fix his compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

67. And be it enacted, That before the council accept any work on any sewer or street improvement, or any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider

Proviso.

When sewers  
constructed.

Proceedings.

Council may  
appoint inspec-  
tor.

Before work ac-  
cepted, council  
to publish no-  
tice of meeting  
to hear objec-  
tions.



Proceedings  
when necessary  
to take or use  
private property

objections in writing, the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the town shall require.

68. And be it enacted, That where it shall be necessary in the construction of any public sewer to take or use private property for that purpose, the council shall have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

Town and  
adjoining muni-  
cipality may  
contract for  
payment of sum  
for right to con-  
nect sewers.

69. And be it enacted, That where any town shall be so situated that it shall have no immediate outlet for sewerage, except through adjoining municipalities or by connections with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the town council of the town and the governing body of such adjoining municipality to enter into contract for the payment of a sum in gross by such town for the right to connect with any sewer or sewers in such adjoining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such town which it is proposed so to connect with the sewer in the adjoining municipality, and shall be assessed in the manner hereinafter directed as if such contract price were portion of the cost of wholly constructing the sewer within the territorial limits of the town.

Council may  
issue improve-  
ment certificates

70. And be it enacted, That the council shall have power to issue improvement certificates, payable within one year or less with interest to the amount of eighty per centum of the work done on any street, sewer or other public improvement when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work is accepted, the town council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defect or errors are rectified to the satisfaction of the council.

Cost and ex-  
penses of im-  
provements  
now assessed.

71. And be it enacted, That the cost and expenses of opening, extending or widening any street, and after the completion thereof, the whole cost and expense of any street, sewer or other public improvement, shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the lands and real estate spec-

ially benefited by the improvement, in proportion to the benefit received: and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total assessable benefits exceed the total cost the excess shall be borne and paid by the town at large; the commissioners shall make and file with the town clerk, a map showing what lots and parcel of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, the amount of such assessment, the names of the owners of the several lots or parcel assessed, so far as the commissioners can ascertain the same, and the amount (if any) of the excess of the cost of the improvement over the total amount assessed, no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed or omitting the said names or any of them; the clerk shall publish and post a notice in the same way and manner as he published and posted the petition for the improvement, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to said assessment presented in writing on or before a day named in said notice to be fixed by the town council, which day shall be at least five days after the expiration of such period, on which day the town council will meet to consider such objections; in case the objections to the assessments are not sustained the town council may confirm such assessment; or if they refuse to confirm the same, they may return it to the commissioners for such amendment as may to the commissioners seem necessary, and the town council may thereafter, without any further notice, confirm the assessment, and upon such confirmation said assessment shall constitute a lien upon the property assessed; and if any assessment shall remain unpaid for two years thereafter, the town council may proceed to enforce the lien of such assessment in the manner provided for in this act.

Commissioners  
to file map.

Clerk to publish  
notice.

Council may  
confirm assess-  
ment.

72. And be it enacted, That no certiorari, injunction or other writ or process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the town; and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the council of such town.

When certiorari  
not allowed.

73. And be it enacted, That the council shall have the power to issue bonds payable in not exceeding ten years, and bearing interest, at not exceeding six per centum per annum, to raise money to pay for lands taken for opening or extending or widening streets, constructing roads or building sewers, or for the redemption of improvement certificates issued under this act, or to pay any judgment recovered against the town, and the council

Council may  
issue bonds.



Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in said town; then such notice shall be deposited in the post-office in said town, directed to him at his last known place of residence (or at the post-office nearest thereto), but nothing therein contained shall be so constructed as to impair the lien created by such tax, assessment or sale; and *provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him, have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired, and the said purchaser or those claiming under him, shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided*, also, that the said sale may be adjourned or postponed from time to time, or suspended, as the council or their committee, appointed to attend to said sale, may direct; and *provided*, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said council or said committee to adjourn sale not less than thirty days or more than sixty days, twenty days notice at least, by publication for two weeks and posting, shall be given as aforesaid of the said adjourned sale; and if, at such adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided*, also, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided* further, that a complete record of all taxes and assess-

ments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to enter in a book to be called "record of sales," a minute of all declarations of all sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office, it shall be the duty of the treasurer to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in the said clerk's office; it shall be lawful for the council of said town to sell, assign and transfer any declaration of sale or any term in lands, purchased for the benefit of said town as aforesaid, or any portion of a term, for such price as said council may think proper.

80. And be it enacted, That the assessor shall levy a tax upon every person who owns or has the care of any dog, male or female, as follows: one dollar for each male dog, and three dollars for every female dog in lieu of the state law; which tax shall be appropriated to the support of the school.

81. And be it enacted, That the assessor shall complete his assessment and present his books to the council for examination by the third Monday in September annually, and the council shall complete their examination of the same by the first Monday in October; immediately thereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.

82. And be it enacted, That all the property, real and personal, of the several school districts existing within the limits of any school town, borough or township, before its incorporation under the provisions of this act, shall, upon such incorporation, become and be the property of such incorporated town, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously existing school district shall be assumed by and shall become and be the obligations, contracts and debts of said incorporated town; and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the trustees of school districts; they shall organize annually by choosing a chairman and a clerk, and may establish schools and provide for their government, and shall keep all school property in good repair;

When assessor to complete assessment.

Collector to give notice and make demand.

Property of vested in town.

Board of education, powers and duties.



Proviso.

they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined by law on district clerks; *provided*, that no property shall be bought or building erected by the said board unless a majority of the voters of the town voting at an annual town meeting shall have voted an appropriation for that purpose; in case any appropriation for the purchase of land and the erection of a school building shall be voted by the electors of the town at any town election, the council shall issue bonds in the corporate name of the town for the amount of such appropriation in such denominations as they shall deem proper; such bonds shall be designated "school bonds," shall bear interest at not exceeding the rate of six per centum per annum, and shall not be sold for less than their par value; they shall be made payable in such manner that at the expiration of three years three-fifteenths thereof shall become due and payable, and thereafter one-fifteenth thereof shall become due and payable annually, the council shall provide for raising by taxation annually, the interest thereon and one-fifteenth of the principal thereof; the proceeds of the sale of said bonds shall be held by the town treasurer, and shall be paid out by him on the warrants of the board of education; at any time after an appropriation is voted as aforesaid, the board of education may purchase the necessary land and enter into contract for the erection of a school building thereon, the title to which property shall be vested in the town by its corporate name.

Laws applicable  
to town.

83. And be it enacted, That all general laws and statutes of this state heretofore passed relating to incorporated towns shall be and they are hereby made applicable to any town formed or created under this act, except in so far as the same may be inconsistent with or repugnant to the provisions of this act.

84. And be it enacted, That this act shall take effect immediately.

Approved April 24, 1888.